

Prison Population Issues

The prison population continues to grow in Montana. It is growing faster than was anticipated by either the Department of Corrections officials or the 2005 Legislature and has grown beyond even the emergency capacities of some facilities.

Montana State Prison at Deer Lodge, built to house 941 inmates, held 1,501 as of Nov. 3, 2005. That is 94 more than its operating capacity and 56 inmates beyond the prison's emergency capacity

The Montana Women's Prison in Billings, constructed to handle 214 inmates, held 234 as of Nov. 3. That is 21 more than its operating capacity and three more than the prison's emergency capacity.

The picture is no better at the regional prisons.

The Great Falls prison, designed to house 78 inmates, had a population of 155 on Nov. 3. That is three more than even its emergency capacity. The Glendive prison held 144 inmates, matching its emergency capacity.

Crossroads Correctional Center at Shelby, the state's only privately run prison, had 510 inmates on Nov. 3, or 30 more than its emergency limit.

In addition, the Missoula Assessment and Sanction Center had 130 inmates, and county jails across Montana held 141 state inmates waiting for space in the prisons.

The crowded condition of these facilities, coupled with a shortage of about 50 correctional officers, creates a dangerous environment for both inmates and staff. Forced to live in cramped conditions never intended to house so many people, inmates can become frustrated, angry and violent. This is especially true for 120 inmates who must be housed with high-security offenders only because there is no room for them in the lower-security portion of the prison. Despite earning a move to the low side through good behavior, those inmates are denied their reward.

So Montana's prison system continues to operate in a way it was never intended – under ongoing emergency conditions because of a chronic lack of space for the growing number of inmates.

The following chart shows the current inmate population figures and the projected growth into 2009.

Fiscal Year	Item	CCA/Reg/Jails/ Spec Units	MSP	MWP	Total
2004	Actual	949	1,325	177	2,451
2005	Actual	1,052	1,430	203	2,685
Sep-05	Actual	1,198	1,498	225	2,921
2007	Estimate	1,315	1,525	225	3,065
2008	Estimate	1,366	1,525	225	3,116
2009	Estimate	1,583	1,525	225	3,333
2005-09	Growth	32.1%	1.8%		14%

The state will need to accommodate more inmates in various facilities over the next four years. The following chart illustrates the need for additional secure-care beds and the effect of various projects on that demand.

	Men		Women	
	by mid-07	by mid-08	by mid-07	by mid-08
Addtl secure beds needed	205	598	82	166
Addtl secure beds planned				
CCA (Shelby)	208		80	
Revocation Center	80			
Meth treatment	60		60	
Special-needs facility		256		
Total	348	614	140	140
Excess/Shortage	143	16	58	-26
w/o CCA expansion	-140	-192	-22	-86

As you can see, the ability of the state to cope with the expected rise in the prison population is significantly affected by what happens with the Shelby prison.

Corrections Corp. of America and the U.S. Marshal Service have proposed expanding the company's private prison at Shelby by 288 beds. The Marshal Service is pushing for the project because it would provide beds for state inmates who could be moved out of county jails. The federal agency wants space in the jails in order to house federal inmates closer to federal courts.

The CCA plan calls for adding 208 beds for male inmates and 80 beds for female inmates. The company has said it could have the expansion completed in about 10 months.

The new revocation center at Warm Springs is expected to open around Dec. 1 and will help divert male parole violators from being returned to prison. While that should have some effect on the *growth* of the prison population, it will do little to address the *existing* overcrowding at the State Prison and elsewhere.

A prison system, in order to run safely and efficiently needs some empty beds. This is critical so that officials have room to put inmates when problems arise in a prison. Should the prison lose a housing unit, authorities would be hard-pressed to find beds to place the inmates. If a disturbance occurs in the prison, they also have few options on where to segregate problem inmates from the others.

The state currently houses 141 inmates in county jails. When that number reaches 200, the system is effectively filled and can handle no more offenders.

To avoid that day, the department has contemplated sending some inmates out of state to relieve the pressure on the prison system until some of the pending projects come online and provide more beds.

The department has taken steps to try to deal with the overcrowding more quickly through opening the revocation center and identifying about 100 inmates within a year of discharge for early review by the Board of Pardons and Parole. Board officials expect only about 20 of those will be granted early release.

The department also looked at using a portion of a large, mostly empty building on the Montana State Hospital campus at Warm Springs for 50 low-security inmates needing long-term care due to chronic health problems. But the plan proved unworkable because of the hospital's need for more space.

The department would like council recommendations on the following issues related to overcrowding:

--Should the state endorse expansion of the Shelby prison and commit to place more inmates there?

--Should corrections prepare for the possibility of having to temporarily transfer inmates to an out-of-state prison? If so, how?

NOTE: Attachments show what is happening in other states, including Idaho's late October transfer of 300 inmates out of state.